

BEFORE
THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)	
for termination of Probation)	
of:)	
)	
EVELYN C. RIVERO, M.D.,)	OAH No. L-40352
)	
Petitioner.)	
)	

DECISION

This matter came on regularly for hearing on June 18, 1987 at San Diego, California before Richard E. Ranger, Administrative Law Judge of the Office of Administrative Hearings, and a Panel of the District 14 Medical Quality Review Committee consisting of the following members, all of whom were present:

Gregory G. Semerdjian, M.D.
 (Chairperson)
Valeriano Jamora, M.D.
Ramon E. Moncada, M.D.
George R. Pettersen, M.D., M.P.H
Peter E. Shea, D.D.S.
Rosemary Barrett-Smith (P.M.)
Mary Kay Forsyth (P.M.)

Alvin J. Korobkin, Deputy Attorney General,
represented the Attorney General.

Alvin Hirsch, Attorney at Law, represented the
petitioner who also appeared in person.

Oral and documentary evidence was received, the
matter was argued, and submitted, and the Panel thereafter
considered the Petition with the Administrative Law Judge
present.

The Panel finds the following facts, determines the
issues, and hereinafter makes its order.

FINDINGS OF FACT

1. Petitioner was first licensed in California as a physician and surgeon by the State of California in 1981 and issued Certificate No. A-37002.

2. Effective September 16, 1983 in case no. D-2945, petitioner's California certificate was revoked based upon petitioner's stipulation to charges of unprofessional conduct filed against her in September 1982, and waiver of hearing. Petitioner was found to have prescribed dangerous drugs as defined in Business and Professions Code section 4211 in a number of instances without a conducting good faith examinations and medical indication. She was also found to have been convicted on April 25, 1983, of guilty, of violating Health and Safety Code section 11154 (prescribing a controlled substance without medical necessity), a felony crime substantially related to the qualifications, functions and duties of a physician and surgeon.

3. In April 1987, petitioner filed a petition with the Division of Medical Quality Assurance requesting termination of her probation. She has not previously petitioned for consideration.

4. At the time of filing her petition, petitioner had been on probation 3 years and six months. At the time of hearing, her probation had been in effect 3 years and 8 months, with one (1) year and four (4) months probationary time remaining.

5. Petitioner is rehabilitated. Since 1986, she has operated the E. R. Medical Clinic in Los Angeles where she is in the solo private practice of general medicine. From 1982 to 1986, she practiced with the Alvarado Medical Group, Clinica Medica, Beverly Medical Group, and Temple Medical Group, all in Los Angeles. Petitioner has completed all required credit hours of Continuing Medical Education including Medical Ethics and drugs, and has successfully taken an oral examination before the Division as required by conditions of her probation. On December 3, 1985, in Los Angeles County Superior Court, case no. A 379934, petitioner's plea of guilty was set aside and the case dismissed pursuant to Penal Code section 1203.4. She has complied with all the terms of her probation and has sufficiently profited from the probationary experience so that the probability of repeat violations is remote.

DETERMINATION OF ISSUES

Petitioner having established rehabilitation, it would not be in derogation of the public interest to terminate her probation at this time.

ORDER

The petition of Evelyn Rivero, M.D. for termination of probation is granted.

This Decision shall become effective on August 6, 1987, 1987.

IT IS SO ORDERED this 6th day of August, 1987.

PANEL OF THE DISTRICT 14
MEDICAL QUALITY REVIEW
COMMITTEE

By Gregory G. Semerdjian, M.D.
GREGORY G. SEMERDJIAN, M.D.
Chairperson

RER:mh